

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

JONATHAN BERALL, M.D., M.P.H.)
 Plaintiff,)
)
v.)
)
TELEFLEX MEDICAL INCORPORATED)
 Defendant)

JUDGMENT
No. 5:22-CV-331-FL

Decision by Court.

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of the parties' cross-motions for summary judgment and motions to exclude expert testimony.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court's order entered September 13, 2024, and for the reasons set forth more specifically therein, it is ordered that defendant's motion for summary judgment is **GRANTED IN PART** as to infringement by the McGrath Series 5 and **TERMINATED AS MOOT** in part as to the infringement by the Airtaq products and accrual of damages.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED in accordance with the court's order entered September 13, 2024, and for the reasons set forth more specifically therein, that plaintiff's motion for summary judgment is **GRANTED IN PART** as to N.C.G.S. § 75-143 and **TERMINATED AS MOOT** as to defenses of invalidity and incorrect inventorship. Plaintiff's motion to exclude the testimony of Walbrink and McCuff, defendant's motion to exclude the opinions and testimony of Schenk, and defendant's motion to exclude the opinions and testimony of Marill are **TERMINATED AS MOOT**.

This judgment Filed and Entered on December 12, 2024, and Copies To:

Marcus E. Sernel / Patrick Laurence Butler / Christopher Decoro / Eric Hayes / Peter Jason Evangelatos (via CM/ECF Notice of Electronic Filing)

John F. Morrow, Jr. / Aimee Housinger / Allan Kassenoff / Jonathan Peter Presvelis / Madison Waller (via CM/ECF Notice of Electronic Filing)

December 12, 2024

PETER A. MOORE, JR., CLERK

/s/ Sandra K. Collins
(By) Sandra K. Collins, Deputy Clerk